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4 KHANG DAO,
5 Plaintiff,
6 v.
7
8 URBAN PERIPHERALS, INC.,
9 Defendant.

10 Case No. 25-cv-02345-TLT
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13 **ORDER TO SHOW CAUSE FOR
14 FAILURE TO FILE OPPOSITION**
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16 Re: ECF 13, 15
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18 On March 6, 2025, Plaintiff Khang Dao filed a complaint against Defendant Urban
19 Peripherals, Inc., concerning the Employee Retirement Income Security Act of 1974 (“ERISA”),
20 alleging Defendant breached its fiduciary duty, failed to comply with ERISA formalities, and
21 fraudulently prevented participation in a favorable pension plan under California law. ECF 1.
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23 On May 16, 2025, Defendant filed a motion to dismiss. ECF 13. Plaintiff’s opposition was
24 due on May 30, 2025. *Id.* On June 6, 2025, Defendant filed a reply, asking the Court to grant the
25 motion in the absence of an opposition. ECF 15. The hearing is set for August 5, 2025. ECF 13.
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27 To date, Plaintiff has not filed an opposition to the motion to dismiss. Plaintiff is
28 **ORDERED** to file by **Tuesday, July 1, 2025**, (1) an opposition or statement of non-opposition to
the pending motion, and (2) a response to this order to show cause explaining why the opposition
was not timely filed. Failure to do either of these ***may result in dismissal*** of the case without
prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

29 If Plaintiff files an opposition, Defendant may file an amended reply on or before July 8,
30 2025.
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The initial case management conference is **MAINTAINED** for July 3, 2025, at 2:00 p.m. by videoconference with the parties' joint case management statement due by June 26, 2025. *See* ECF 12. The motion hearing is **MAINTAINED** for August 5, 2025, at 2:00 p.m.

IT IS SO ORDERED.

Dated: June 25, 2025

TRINA L. THOMPSON
United States District Judge

United States District Court
Northern District of California